

REMARKS

The present invention is an electronic program guide system, a method for providing notifications of a program selected from an electronic program guide system, a computer program product directly locatable into an internal memory of a digital computer and a method for receiving notifications of a program selected from an electronic program guide system. An electronic program guide system in accordance with an embodiment of the invention includes receiving means 4 for receiving at least one electronic program guide corresponding to a broadcast program; selecting means 2 for selecting a desired program from the electronic program guide; notification means 11 for creating a notification for the program selected from the electronic program guide; communication means 7 for providing access to a communications network; transmission means 19 for transmitting a notification of the program selected from the electronic program guide to at least one remote electronic program guide system using the communications network; and reception means 4 for receiving a notification from a remote electronic program guide system.

Claims 1-28 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,177,931 (Alexander et al) in view of United States Patent 6,104,334 (Allport). These grounds of rejection are traversed for the following reasons.

The Examiner reasons in part as follows:

Alexander et al. does not expressly teach transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communications network. However; in the

same field of endeavor, Allport teaches a portable Internet-enabled controller configured to receive data from a remote location to control various consumer appliances such as television systems (see Allport col. 6 lines 25-30 "It is a further object to provide a remote control that allows a consumer to download data from the internet or other data source into the memory of the remote control for use in controlling the consumer devices using title-based direct access control." And Allport col. 25 lines 11-17 "One application would allow the consumer to load TV schedules appropriate to their area into the remote control 10, and then list and browse the schedules. One person could be browsing the schedule of programs available on alternative channels, without disturbing the view of others who are watching the primary screen such as the TV." The Internet-enabled remote control of Allport is interpreted to be a remote electronic guide system because it is able to download TV schedules.) In light of the teaching of Allport, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teaching of Alexander et al. to send the notification message to a remote electronic program guide system as taught by Allport. One of ordinary skill in the art at the time the invention was made would have been motivated to do this in order to prevent the notification message from displaying on the television screen which can disrupt the view of others who are watching a program on the television screen (see Allport col. 25 lines 14-17 "One person could be browsing the schedule of programs available on alternative channels, without disturbing the view of others who are watching the primary screen such as the TV.""); and

reception means for receiving a notification from a remote electronic program guide system (The Internet-enabled remote electronic guide system as described above is interpreted to be a reception means for receiving a notification from the electronic program guide as though by Alexander et al.).

The Examiner's reliance upon Allport is misplaced.

Allport discloses a remote controller for consumer appliances as described in column 8, lines 58-67, which permits loading of data as described in column 25, lines 6-23 and further includes connectivity to an Internet service provider to send requests, receive data and download program applets as described in column 28, lines 67 through column 29, lines 1-11. However, there is no teaching in Allport

regarding the transmission of notifications between electronic program guide systems and electronic program guides as recited in each of the independent claims.

Specifically, independent claim 1 recites "an electronic program guide system comprising...transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communications network..."; independent claim 18 recites "a method for providing notifications of a program selected from an electronic program guide system comprising the steps of...transmitting the notification of the program selected from said electronic program guide to at least one remote electronic guide..."; claim 27 recites "a computer program product stored on a computer readable storage medium comprising...creating a notification of the program selected from said electronic program guide; and obtaining transmission of the notification of the program selected from said electronic program guide to at least one remote electronic program guide system...."; claim 28 recites "a computer program product directly loadable into an internal memory of a digital computer comprising...creating a notification of programs selected from said electronic program guide; and obtaining transmission of the notification of the program selected from said electronic program guide to at least one remote electronic program guide system."; newly submitted claim 29 recites "an electronic program guide system comprising...transmission means for transmitting a notification of the program selected from said electronic program guide to at least one remote electronic program guide system using said communications network."; newly submitted claim 30 recites "an electronic program guide system comprising...reception means for receiving a notification from a remote electronic

program guide system."; and newly submitted claim 31 recites "a method for receiving notifications of a program selected from an electronic program guide system comprising the step of receiving a notification of a program selected from said electronic program guide in a remote electronic program guide system". The recitations above from the independent claims recite in varying degrees of scope, communications between electronic guides and electronic program guide systems which have no counterpart in the proposed combination of Alexander et al and Allport.

The Examiner's rationale relying upon Allport merely refers to communications which have nothing to do with the claimed communications between electronic program guides and systems. It is submitted that a person of ordinary skill in the art would not consider the general communications as described above with respect to Allport including access to the Internet to transmit and receive information to suggest the specific recitations in the claims regarding communications between the electronic programming guides and electronic programming guide systems.

Moreover, the Examiner has not demonstrated any motivation in the record why a person of ordinary skill in the art would be led to modify the teachings of Alexander et al in view of Allport to arrive at the claimed subject matter involving the interaction between electronic program guides and electronic program guide systems except by impermissible hindsight. As discussed above, neither Alexander et al nor Allport pertain to the claimed transmission of notifications between electronic program guides and electronic program guide systems. Therefore, if the

proposed combination were made, the subject matter of the claims would not be achieved.

Moreover, the Examiner's rationale that one of ordinary skill in the art would have been motivated to provide the suggested motivation "in order to prevent the notification message from displaying on the television screen which can disrupt the view of others who are watching a program on the television screen", would not suggest anything pertaining to providing communications between the claimed electronic program guides and electronic program guide systems.

The dependent claims define further aspects of the present invention which are not rendered obvious by the proposed combination of Alexander et al and Allport.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1124.40308X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

Attachments
DES:dlh

Amendments to the Drawings:

Fig. 1 has been amended to add descriptive labels to the elements therein.